

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES MUNSON,

Plaintiff,

v.

DONALD HULICK, *et al.*,

Defendants.

Case No. 10-cv-52-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the defendants' appeal (Doc. 97) of Magistrate Judge Philip M. Frazier's May 24, 2012, order (Doc. 96) denying in part and granting in part their motion for a protective order (Doc. 93). The motion asserted that deposing defendants Illinois Department of Corrections Director Salvador Godinez and former Director Michael P. Randle was an undue burden under Rule 26(c) because they have no personal knowledge about the relevant facts. Magistrate Judge Frazier noted that other evidence suggests they may have knowledge from the receipt of routine reports. He allowed the plaintiff to depose Godinez and Randle but limited the depositions to one hour and directed that they accommodate Godinez's schedule.

A district court reviewing a magistrate judge's decision on nondispositive issues should modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). The Court may also *sua sponte* reconsider any matter determined by a magistrate judge. L.R. 73.1(a); *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 760 (7th Cir. 2009).

The Court has reviewed Magistrate Judge Frazier's May 24, 2012, order and finds that it is not clearly erroneous or contrary to law. The Court further sees no reason to reconsider that

ruling. Accordingly, the Court **AFFIRMS** that order (Doc. 96) and **OVERRULES** the defendant's appeal (Doc. 97).

IT IS SO ORDERED.

DATED: July 10, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE